

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :
:
v. : 1:04CR497-1
:
CHRISTOPHER TIM FLORENCE :
:

MOTION TO WITHDRAW AS COUNSEL OF RECORD

Undersigned counsel having been appointed to represent Defendant for the limited purpose of pursuing relief under Section 404 of the First Step Act of 2018, the Office of the Federal Public Defender hereby moves to withdraw as counsel of record. In support thereof, counsel states as follows:

On February 8, 2005, the Court appointed the Office of the Federal Public Defender to represent the Defendant with respect to the underlying charges in this case. Doc. # 7. Based on a conflict of interest, the Court then granted the Federal Public Defender's motion to withdraw as counsel of record. Doc. # 10, 12.

On November 23, 2012, the Court appointed the Office of the Federal Public Defender to represent the Defendant for the limited purpose of pursuing relief under *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011). The Defendant later filed a *pro se* motion requesting new counsel. Doc. # 115. Thereafter, the Court granted the Federal Public Defender's motion to withdraw as counsel of record. Doc. # 117, 120.

On January 10, 2018, the Court appointed the Office of the Federal Public Defender to represent the Defendant with respect to alleged violations of supervised release. Doc. # 139. Based on a newly discovered conflict of interest, the Court then granted the Federal Public Defender's motion to withdraw as counsel of record. Doc. # 142, 143.

On December 12, 2019, the Court appointed undersigned counsel to represent the Defendant for the limited purpose of pursuing relief under Section 404 of the First Step Act of 2018. Doc. # 160. Notwithstanding the limited nature of the current appointment, full consideration of the Defendant's First Step Act motion necessarily involves revisiting issues that first arose during the three prior stages of the case in which the Federal Public Defender was appointed, but then granted leave to withdraw. It is undersigned counsel's considered opinion that these circumstances give rise to a conflict within the meaning of Rules 1.7(a)(2), 1.9(a) and 1.10(a) of the North Carolina Rules of Professional Conduct. Accordingly, the Office of the Federal Public Defender hereby moves to withdraw as counsel of record in this matter.

Respectfully submitted this the 24th day of June, 2020.

LOUIS C. ALLEN III
FEDERAL PUBLIC DEFENDER

/s/ Eric D. Placke
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CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2020, I electronically filed the foregoing Motion to Withdraw as Counsel of Record with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Ms. Angela H. Miller
Assistant United States Attorney
101 South Edgeworth Street
Greensboro, NC 27401

I further certify that I mailed a copy of the foregoing to the following non-CM/ECF participant:

Mr. Christopher T. Florence
Reg. No. 22509-057
FCI Coleman Low
Federal Correctional Institution
P.O. Box 1031
Coleman, FL 33521

Respectfully submitted,

/s/ Eric D. Placke
ERIC D. PLACKE
First Assistant Federal Public Defender